

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

STEPHEN COMPAGNI, INDIVIDUALLY
AND AS SOLE OFFICER OF ECONOMY
PAVING INC.,

Plaintiffs,

vs.

TOWN OF CORTLANDVILLE, TOWN
OF CORTLANDVILLE PLANNING
BOARD, JOHN DELVECCHIO, in his
Individual and Official Capacity, JOHN
FOLMER, in his Individual and in his
Official Capacity, KATHERINE
WICKWIRE, in her Individual and in her
Official Capacity, CHRISTOPHER
NEWELL, Individually and in his Official
Capacity, NICHOLAS RENZI, Individually
and in his Official Capacity, NASRIN
PARVIZI, Individually and in her Official
Capacity, BRUCE WEBER, Individually
and in his Official Capacity, RICHARD
TUPPER, Individually and in his Official
Capacity, and DOES 1-100,

Defendants.

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION TO QUASH SUBPOENA TO
INSPECT AND/OR ISSUANCE OF
PROTECTIVE ORDER PURSIANT TO
F.R.C.P. RULES 45(C)(3) AND 26(C);
MEMORANDUM OF LAW IN SUPPORT
THEREOF**

Civil Action No.: 5:20-cv-00489-GTS-ATB

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

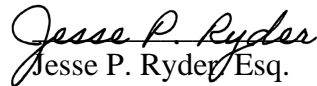
Please take notice that on a date and time to be determined by the Court, Plaintiff Stephen Compagni will and hereby does move, pursuant to Federal Rule of Civil Procedure 45 for an order quashing the Subpoena to Permit Inspection of Premises served upon it by Defendants, Town of Cortlandville, et al. in Compagni v. Town of Cortlandville, et al., No, 5:20-cv-489(GTS/ATB) pending before this court.

The subpoena demands that Mr. Compagni permit Defendants to unrestrainedly enter his property to “inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it” despite the nonexistence of any issue of fact that would otherwise warrant such a wholesale intrusion upon his privacy.

Mr. Compagni makes this motion based on this Notice of Motion and Motion, the accompanying Memorandum of Law, the Affirmation of Plaintiff Stephen Compagni, the concurrently filed Declaration of Jesse Ryder in support thereof, the exhibits, files and records in this case, and any argument as may be presented at the hearing on the Motion.

Dated this 11th day of January, 2024

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